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November 30, 2011

VIA U.S. MAIL & E-MAIL

U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105
Attn: Lawrence Torres (WTR-7)

Hawaii Department of Health
Clean Water Branch
P.O. Box 3378
Honolulu, HI 96801-3378
Attn: Mike Tsuji

**RE: In re Waste Management of Hawaii, Inc. and City and County of Honolulu
Finding of Violation and Order, Docket No. CWA-309(a)-12-003**

Dear Sirs:

I am Senior Legal Counsel representing Waste Management of Hawaii, Inc. ("WMH"). At the close of business on November 29, 2011, WMH received an e-mail from Mr. David Wampler attaching the above-referenced Finding of Violation and Order (the "FVO"). WMH and the City & County of Honolulu are reviewing the FVO and will respond accordingly. In the meantime, however, WMH notes that the FVO includes a requirement that by tomorrow – December 1, 2011 – the Respondents "complete construction of the Western Diversion Project necessary to completely segregate off-site storm water run-on from on-site storm water run-off from WGSLS" FVO at 6-7.

As you are aware, WMH has fully cooperated with EPA and has been working diligently to complete the construction of the Western Diversion System. Although the Western Diversion System is near completion, and WMH has made good faith efforts to complete the construction, WMH cannot meet the December 1 deadline in the FVO for completion. The Western Diversion Structure constitutes a major construction project that will require at least several more weeks to complete. We understand that the FVO contemplates the possibility that the project cannot be completed by the December 1st deadline, in which case the Respondents are required to submit a compliance plan setting forth a schedule for completing the project. We intend to provide EPA with the status of the project and a schedule for its completion on or before December 15th. While we are continuing to assess the FVO and our response to it, WMH does not concede or admit to any of the findings of fact set forth in the FVO. Thank you for your attention to this matter.

Sincerely,

Andrew M. Kenefick

cc: Via e-mail only David Wampler – wampler.david@epa.gov
Hugh Barroll – barroll.hugh@epa.gov